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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W. P. NO. 3621 **OF 2003**

PETITIONER

R. K. Tiwari, S/o Late R.P.Tiwari, aged about 48 Years,Occupation-Service, Presently posted as Forest Range Officer, South Kondagaon Division, Kondagaon, Distt. Bastar Chhattisgarh.

P. R. No. 3442/03
Presented by Shri KK Ruperiya
dated 03/11/03

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through Secretary, Deptt. Forest, Mantralaya, D.K.S Bhawan, Raipur [C.G.]

2. Shri B. K. Lakra, Forest Development Officer, Social Forestry, Jagdalpur Forest Division,Jagdalpur Bastar [Chhattisgarh]

RECEIVED COPY
3.11.03
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

(33)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.3621/ **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	02.02.2004 Shri Manindra Shrivastava, counsel for the petitioner. Shri Ranbir Singh Marhas, Govt. Advocate for the State/respondent No.1. Shri B.D. Guru, counsel for respondent No.2. By this writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged his transfer order dated 06.10.2003 by which the petitioner has been transferred from Bastar to Sarguja. The petitioner is working as Forest Range Officer. I have heard the learned counsel for the parties. Learned counsel for the petitioner submits that the petitioner's only grievance against the said transfer is that he has been transferred in the mid session and his son is studying in Class-10 at Kondagaon and he is not in a position to move his family in the mid session and this transfer has been affected in the mid session, therefore, the respondents are required to show administrative exigency as it is not a transfer in the normal transfer period. Learned counsel for the State/respondent No.1 submitted that it is not that only the petitioner has been transferred by the impugned order, but in all 47 officers were transferred and this is a general transfer list, which was issued on administrative exigency and the petitioner has not mentioned as to how long he was working at that place. He further submitted that the petitioner was working at Kondagaon for more than four years, therefore, the transfer was mature.	

(34)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3621 **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

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Learned counsel for respondent No.2 submitted that respondent No.2 had already taken over the charge. In the circumstances, the transfer of the petitioner cannot be stayed.

Having heard the learned counsel for the parties, having regard to the facts and circumstances of the case and having regard to the grievance of the petitioner that he is prepared to move on transfer after the educational session of his child is completed and for that purpose the authorities should consider his case, and as the learned Government Advocate submits that for that purpose the petitioner can make a representation to respondent-authorities, the petitioner is allowed to make a representation within ten days from today to respondent No.1 raising all his grievances and in turn, respondent No.1 shall consider the representation of the petitioner and pass appropriate order within 30 days from the date of receipt of the same, in an objective manner with a reasoned order. In the meantime, till the end of educational session of the son of the petitioner, the petitioner should not be forced to vacate the Government accommodation allotted to him at Kondagaon.

With the above observations and directions, the petition stands disposed of.

Consequently, M.(W.)P.No.3271/2003 and I.A.No.10393/2003 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

6/11/13